

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DROPBOX, INC.,

*Plaintiff / Counterclaim
Defendant,*

v.

MOTION OFFENSE, LLC,

*Defendant / Counterclaim
Plaintiff.*

MOTION OFFENSE, LLC,

Plaintiff.

v.

DROPBOX, INC.,

Defendant.

**Civil Action No. 6:20-cv-00251-ADA
(Lead Case)**

Civil Action No. 6:21-cv-00758-ADA

**MOTION OFFENSE'S OPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSES AND REPLIES TO SUMMARY JUDGMENT AND DAUBERT MOTIONS**

Regretfully, under objection, Motion Offense, LLC (“Motion Offense”) requests a one-week extension for filing responses and replies to the parties’ pending summary judgment and Daubert motions. The current deadline to file responses is March 10, 2023 and the current deadline to file replies is March 17, 2023. The new deadlines would be March 17, 2023 and March 24, 2023 respectively. Briefing will be complete one month before the pretrial conference scheduled on April 24, 2023. All other deadlines remain in effect.

Agreeing to a one-week extension to the default two-week deadline for responses and replies to summary judgment and Daubert motions should be a matter of professional courtesy. Rule AT-4(b). The Court's Amended Standing Order Regarding Joint or Unopposed Request to Change Deadlines would automatically grant this extension if the parties agreed. But Dropbox opposes. During the parties' calls and in the emails that were exchanged, Dropbox's only explanation was the extension is "unnecessary." It is necessary for Motion Offense. Motion Offense is therefore filing this motion instead of working on its responsive briefs and other pretrial matters. Good cause exists.

Explaining why the extension is necessary could span many pages. That is not necessary. Dropbox raised a dispute about pretrial disclosures on Friday night, March 3, 2023. It contacted the Court about it on Monday, March 6. That was the same day the parties met and conferred at Motion Offense's request and before Motion Offense could provide its response. Motion Offense did the next day and also served an updated exhibit list and jury instructions despite Dropbox's refusal. Later that day, the Court scheduled a hearing for March 10 when responsive briefs are due.

The disputes over the parties' disclosures and efforts to resolve them had already impacted work on response briefs. A team member had also contracted COVID. Once the hearing was scheduled on the same day responses were due, Motion Offense contacted Dropbox requesting the parties agree to an extension. Dropbox offered a one-business day extension for responses, making them due March 13. However, rebuttal disclosures and objections are due March 14. Motion Offense informed Dropbox that would not work and also disclosed the COVID-related illness. Dropbox still refuses to extend the remaining deadlines.

The extension is necessary to work on responses and pretrial disclosure matters. The time spent conferring about this extension and drafting this motion should have been spent doing that. Wasting that time regretfully has made this extension more important and Motion Offense respectfully requests the one-week extension be granted.

Dated: March 8, 2023

DEVLIN LAW FIRM LLC

/s/ Derek Dahlgren
Timothy Devlin (No. 4241)
Derek Dahlgren (*pro hac vice*)
Alex Chan (Texas Bar No. 24108051)
1526 Gilpin Avenue
Wilmington, DE 19806
(302) 449-9010
tdevlin@devlinlawfirm.com
ddahlgren@devlinlawfirm.com
achan@devlinlawfirm.com

Attorneys for Defendant
Motion Offense, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on March 8, 2023.

/s/ Derek Dahlgren
Derek Dahlgren